

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUSTIN T. MAHER,

Plaintiff,

-against-

AFFIDAVIT

Case No:14 CV 3586 (VLB)

CAITLIN H. RAILO and
QUALITY BUS SERVICE, LLC,

Defendants.

STATE OF NEW YORK)
)ss.:
COUNTY OF ORANGE)

KAREN WELLS, being duly sworn, deposes and says that:

1. At all times relevant herein, I was employed by the defendant QUALITY BUS SERVICE, LLC ("Quality"). I make the statements in this Affidavit based on my personal knowledge, observations, experience, and information available to me based on my review of the business records maintained by Quality, which include the document attached as an exhibit to this Affidavit.

2. I am a New York State Department of Motor Vehicles Article 19-A Examiner; a New York State Certified School Bus Driver Instructor; and, I am licensed to operate a school bus. The instruction and evaluation I provide to school bus drivers being trained and employed by Quality is in accordance with my training and the applicable New York State and Federal Motor Carrier regulations.

3. I, along with Quality employee Mary Koselnak, trained the codefendant CAITLIN RAILO ("Railo") to safely operate a school bus. Railo practiced driving under my

direct supervision and instruction, first in Quality's parking lot, and then on the road, until she demonstrated the ability to pass her driving test administered by the New York State Department of Motor Vehicles. Railo received "on-the-road" training multiple times per week over the period of several weeks when she was trained one-on-one, and on several occasions, with one other trainee. Included in her driver instruction, Railo was trained on how to safely drive in the roadway; visualize the roadway ahead of her including oncoming traffic; and, how safely execute a left-hand turn. Railo was never entrusted to drive a school bus without a certified 19-A instructor present until she was fully licensed by the State of New York, had completed her Pre-Service course of instruction and had demonstrated the ability to safely operate a school bus.

4. Once Railo was assigned her regular bus route, Route JJ, I specifically trained her on that route. I rode along with her and showed her all of the student bus stop locations. When I trained Railo on Route JJ, as we approached the intersection of Peenpack Trail and Route 209 (the exact location and direction of the accident), I instructed her on how to safely execute that left-hand turn. Railo safely executed that left-hand turn at that time.

5. I previously attended Reasonable Suspicion Supervisor training. Including in that training is instruction on how to detect physical, behavioral, speech and performance cues related to alcohol and drug use.

6. Included in my duties at Quality, I serve as a dispatcher. Each time a driver, including Railo, came to me to obtain school bus keys, I checked their appearance and engaged them in conversation. One of the purposes of my doing so is to assess their condition including any physical, behavior, speech or performance cues which may indicate that person may be under the influence of drugs and/or alcohol and/or unfit to operate a

school bus for any other reason.

7. If I have any suspicion that a driver may potentially be under the influence of drugs and/or alcohol (or unfit to drive a school bus for any other reason), I do not give them the keys and I refer the issue to one of the managers of Quality. That driver does not drive a bus until further investigation is made including a drug and/or alcohol screening by a medical professional, and it is determined that he or she is fit to drive a school bus.

8. On February 14, 2013, Mary Koselnak and I were the dispatchers working at Quality's Sparrowbush bus depot for both the morning and afternoon routes. As the dispatchers, one of us would have received any incoming calls from drivers during that morning.

9. I have no recollection of receiving a call from Railo during the morning of February 14, 2013, indicating she was not feeling well and/or not wanting to work that day.

10. Had Railo called-out sick the morning of February 14, 2013, that would not have presented an issue regarding having a school bus driver to drive her route: myself, Ms. Koselnak, Michael Martucci and Monica McDonald all work in Quality's office, are each licensed to drive a school bus, and were each available to do so on February 14, 2013. In addition, there were three (3) substitute drivers available that day: Gina Baumgardner; Brian Jenks; and, Bob Schmick. Annexed hereto as **Exhibit A** is a true and complete copy of the Quality Bus Service Daily Workboard for Thursday, February 14, 2013. I entered the handwritten portions on this form for the purpose of determining coverage of bus routes. The individuals listed on the bottom left-hand portion of this form are the substitute drivers. When a substitute driver is assigned a bus route, the route is entered in the column to the right of the substitute driver's name. "N/A" indicates not available. Those substitute drivers

with no notations in the column to the right of their name, were available and could be called on to drive on February 14, 213, if needed.

11. Under no circumstances would I have, or did I, threaten Railo's employment if she failed to appear for work on February 14, 2013 or otherwise tell her that she had to come to work against her wishes. There would be no reason for me to do so because there were other drivers available that day.

12. At no time did I ever threaten Railo's employment as a consequence of her being late or absent from work, or for any other reason.

13. I do not recall Railo coming to the depot to get school bus keys on February 14, 2013 before either the morning or afternoon routes. However, if she had demonstrated any physical, behavioral, speech or performance cues indicative of alcohol and/or drug use at either of those times, or appeared in any other way unable to safely operate a school bus, I would have found that memorable and taken corresponding action including not giving her keys to a school bus and referring her to a manager.

14. The fact that I have no specific memory of Railo's appearance on February 14, 2013, coupled with the fact that she was given keys, leads me to the conclusion that if she received keys from me, she was fit to operate a school bus and did not demonstrate any physical, behavioral, speech or performance cues indicative of alcohol and/or drug use during that time.

15. At no time before February 14, 2013, did I observe Railo demonstrate any physical, behavioral, speech or performance cues indicative of alcohol and/or drug use.

[notarized signature on following page]

Dated: September 23, 2015


KAREN WELLS

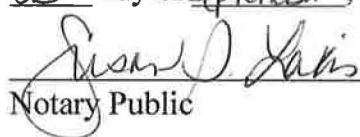
Sworn to before me this
23 day of September, 2015. SL

Notary Public



EXHIBIT “A”

Thursday, February 14 2013

Sussex	Donna Carver	~	P		Sandy Q
H	Ed Springer	P	~	Sandy Q	
C/M	Paul Richards	S	S	Bill Dudko	Bill Dudko

MID CTECH	11:30-1:10	SCHEDULED DRIVER:	DIANE W.	SUB DRIVER:	
ARCH	12:40	SCHEDULED DRIVER:	PAMIR	SUB DRIVER:	Sandy Q
ARCH	12:50	SCHEDULED DRIVER:	DONNA C.	SUB DRIVER:	Sandy Q
ARCH	4:20	SCHEDULED DRIVER:	ED S.	SUB DRIVER:	
ARCH	4:20	SCHEDULED DRIVER:	RICK V.	SUB DRIVER:	
ASK	WED	SCHEDULED DRIVER:	TRACY F.	SUB DRIVER:	
HBE LB 1	THURS	SCHEDULED DRIVER:	NANCY E.	SUB DRIVER:	
HBE LB 2	THURS	SCHEDULED DRIVER:	DONNA R.	SUB DRIVER:	

LB-1	ANN T.	SUB:	LB-3	SUSAN W.	SUB:
LB-2/TRANSF	TYRONE W	SUB:	LB-4	DAN F.	SUB:

BUS	GROUP / LOCATION	P/U TIME/RET	DESTINATION	DRIVER

703		
705		
712	727	
717	743	
719		
724		
752	723	

708 w/c		
821		
829		

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703
705
712
717
719
724
752

MARK ANDERSEN	Z 1 CTECH
GINA BAUMGARDNER	/
BILL DUDKO L/M	SB e SPB V L/M
BRIAN JENKS	/
DAN MCNALLY	N/A / N/A
DON PALMATIER	E / E
SANDY QUICK	H / /
BOB SCHMICK	/
Carla Honda	SB e SB / N/A
	/
MARY HUSSON	/
CASSANDRA JENKS	SB e SPB V L/M
TINA ROTH	/
JUDY MCCLELLAND	/
Daniel Post	L/M e 200 / N/A

am
x 5:00 PM

NOTES:

Chesters Academics 1/2 day